

Category #51:

The Guidelines should address other products used in schools.

State Response:

Products and regulatory requirements other than those specified in the Guidelines can affect the operation of schools. Some products could be considered cleaning products, and others, like paint, may be used to maintain school property. While OGS has focused on the cleaning products used regularly in the school environment, these guidelines are part of an on-going, iterative process whereby products can be added to existing categories and new products and categories can be identified for future review and consideration for inclusion.

Existing State Education Department regulations (8NYCRR, Section 155.5) entitled "Uniform Safety Standards for School Construction and Maintenance Projects" require specific safety precautions to be implemented during all construction and maintenance projects in order to protect the occupants of the building and prevent contact with potentially harmful products. This provision of existing regulation is designed to prevent student and staff contact with potentially harmful chemicals contained in maintenance products and also includes such provisions as proper off-gassing, ventilation, and separation of work areas from occupied areas.

The Guidelines were developed with the recognition and understanding that they will act as a catalyst for study, advancement of knowledge and changes in products and their availability. The marketplace is expected to adapt over time as knowledge improves; new or modified products become available; and product applications are better understood through research, usage and observation. The Guidelines can be changed as needed. This will allow OGS to establish a high standard for schools to work towards now, while research continues on a number of issues concerning children's health, environmental/science standards. As noted elsewhere, OGS plans to raise the bar even higher over the next 12-18 months by working with Green Seal, Environmental Choice of Canada, and the EPA's Design for the Environment (DfE), as well as a number of stakeholders, such as industry and environmental groups, to improve the GS-37 standards or create a new standard for schools. Any changes to our standards will be based on solid scientific studies and research.

Frequently Asked Public Comment:

Guidelines Section V. – Designation of Approved Products:

--Section V: Designation of Approved Products

C: Add:

- dust mop treatments
- air fresheners

(Katherine Kelleher of (NYSUT) NYS United Teachers)

(Original) Section V. Designation of Approved Products

1. This section may be too detailed for schools if all they would have to do is buy approved products for each application from a list of designated products. Please consider moving a lot of it into an appendix.
2. The introductory portion of this section (designated with the letter C.) seems to be placed at the end of the section. We recommend that this information be moved to the beginning.
3. The organization of subsection B is slightly confusing: it starts off being organized by Green Seal standards (e.g. Green Seal, Inc. GS-37) but later switches to specific cleaning application (e.g. Floor Protection Requirements). We recommend that it be organized by cleaning application – it

would be easier for the school audience to follow.

4. We find the idea of “self-certification” of compliance with Green Seal standards problematic. In view of the fact that a significant amount of “greenwashing” has taken place on the consumer and institutional levels (with some manufacturers inventing their own green cleaning labels and standards), there needs to be a higher level of credibility established on the commercial level if green cleaners are to be accepted. We feel very strongly that the current provisions for random testing and a threat of removal from the list of approved products (and no other penalties) are insufficient to provide the level of accountability needed to ensure that all manufacturers are truthful in the representations they make of their products.

We understand the concerns expressed by the manufacturers in relation to the cost of Green Seal certification. At the same time, it is likely that New York State will have limited resources for random product testing as well. Thus we propose that the current requirement for a signed affidavit be replaced by an impartial third party review / assessment. This would ensure the credibility of the list of approved products, reduce the costs manufacturers would incur to substantiate that their products comply with the guidelines and remove the financial and managerial responsibility from New York State to manage the random testing program. More specifically, we recommend that you require third part efficacy testing for Green Seal certified products; and a third party product formulation review as well as a third party efficacy test for non-Green Seal certified products.

5. In subsection 6, Floor Protection Requirements, an explicit statement on the reasons behind OGS's position on GS-40 is missing. This statement is not made until Section H, Floor Finishes and Floor Strippers: “While substantial work has been done by a variety of manufacturers to develop a “green” or environmentally floor finish, we want to see some of the results of using these finishes over time...” We recommend that subsection 6 include this statement as well.
6. We recommend subsection 6, Floor Protection Requirements, include a process for documenting the performance of Green Seal certified floor maintenance products over time. It is our understanding that the current guidelines do not preclude the use of Green Seal certified products in this category (they are just not going to be used exclusively). Since the subsection already states that OGS “wants to see the results of using “green” floor finish/stripper system products over a period of time,” the document should contain a provision for possibly involving manufacturers and/or schools in collecting information on the performance of such floor maintenance systems.
7. Our experience shows that product pricing depends heavily on school location (relative to the manufacturer’s location) and quantities ordered, and may fluctuate based on chemical, packaging and transportation costs. Further, “manufacturer recommendations” for dilution may also vary based on the level of soil manufacturers assume the dilution is for (in bidding situations we advise our colleagues to specify “medium soil”). Even more importantly, schools may need to issue competitive procurements in order to establish the prices they would be paying. Thus pricing collected for the qualified product list may not be meaningful for the schools while presenting an administrative burden for OGS to collect and update. Our recommendation is not to ask for pricing or to be more specific regarding the terms and conditions under which the pricing is valid.

(Marcia Deegler, Operational Services Division, Environmental Purchasing Program Manager and Dmitriy Nikolayev, Operational Services Division, Deputy Procurement Team Leader, Facilities)

--DESIGNATION OF APPROVED PRODUCTS

B. Selection of Approved Environmentally Sensitive Cleaning Products

1. Green Seal, Inc. GS-37

Recommended Change: OGS is adopting Green Seal, Inc., GS-37 for industrial and institutional cleaners. The GS-37 criteria applies to General Purpose Cleaners, Bathroom Cleaners, Carpet Cleaners and Glass, Window and Mirror Cleaners. (See Section VI for definitions of product categories, and Appendix 3 for

GS-37.)

- Companies with products that have Green Seal Inc. certification (GS-37) for General Purpose Cleaners; Bathroom Cleaners; Carpet Cleaners and Glass, Window and Mirror Cleaners must submit such documentation.
- Companies must submit their efficacy test scores for each product based on the Green Seal ASTM testing.
- Companies must submit the costs for each product (cost per gallon of diluted wash solution per product usage recommendation)
- Companies submitting Green Seal certification, efficacy scores for specific products and costs, will be placed on the New York State sample list of Environmentally Sensitive Cleaning Products showing their costs and efficacy ratings.
- ~~• Companies that do not have Green Seal certification for a specific product in the cleaning categories mentioned above, but can prove they meet Green Seal Inc. standards, must:~~
 - ~~a. Submit a signed affidavit (See Appendix #1) stating that they meet Green Seal Inc. GS-37 standards.~~
 - ~~b. Submit the actual efficacy test from a certified lab stating they used the same ASTM testing standards and soils as the Green Seal Inc. efficacy tests.~~
 - ~~c. Products meeting a. and b. above will be placed on the New York State sample list of Environmentally Sensitive Cleaning Products showing their costs (per gallon of diluted wash solution per product usage recommendation) and efficacy ratings.~~
 - ~~d. Companies must submit the same documentation of their own testing results that they would have provided for Green Seal Inc. certification.~~
 - ~~e. Products may randomly be tested by an independent laboratory to verify such claims.~~
 - ~~f. Products found not to meet these requirements, will be removed from the list of approved or accepted products.~~

Justification: It is our STRONG recommendation the entire self certification section be eliminated from the guidelines. It presents too much potential for loss of consistency in testing procedures and for products to enter the marketplace without a nationally recognized standard to support them. We STRONGLY encourage the State to adopt Green Seal Inc. as a uniform standard for all environmentally preferable cleaning products. Green Seal Inc. provides accepted health and environmental standards for all public and nonpublic schools. Green Seal Inc. provides a uniform, acceptable standard for *all* companies that provide environmentally preferable products.

2. Green Seal, Inc. GS-41:

Recommend Change: OGS is will adopting the Green Seal, Inc. ~~proposed~~ standard (GS-41) for Hand Soaps when Green Seal, Inc has adopted the standard and provided a list of approved products. (See Section VI for definition of product categories, and Appendix #4 for GS-41)

- Companies meeting GS-41 must submit their Green Seal, Inc. certification documentation along with cost information, from which an approved list will be developed.
- ~~• Companies that do not have GS-41 certification, but can prove they meet the standard, must submit a signed affidavit (See Appendix #1) stating that they meet Green Seal, Inc. GS-41 standards.~~
 - ~~a. Companies must submit the same documentation of their own testing results that they would have provided for Green Seal Inc. certification.~~
 - ~~b. Companies must submit the costs for the product.~~
 - ~~c. Products may randomly be tested by an independent laboratory to verify such claims.~~
 - ~~d. Products found not to meet these requirements, will be removed from the list of approved or accepted products.~~

Justification: SBGA supports the use of GS-41. However, these are currently *proposed* standards which have not yet been adopted by Green Seal, Inc. As a proposed standard, GS-41 is subject to change, and a list of approved hand soap products has not yet been issued.

It is our STRONG recommendation the entire self certification section be eliminated from the

guidelines. We STRONGLY encourage the State to adopt Green Seal Inc. as a uniform standard for all environmentally preferable cleaning products. Green Seal Inc. provides a uniform, acceptable standard for *all* companies that provide environmentally preferable products.

3. Green Seal, Inc. GS-09:

Recommended Change: OGS is adopting the Green Seal, Inc. standard (GS-09) for Paper Towels and Paper Napkins (See Section VI for definition of product categories, and Appendix #5 for GS-09).

- Companies meeting GS-09 must submit their Green Seal, Inc. certification documentation along with cost information, from which an approved list will be developed.
- ~~Companies that do not have GS-09 certification, but can prove they meet the standard, must submit a signed affidavit (See Appendix #1) stating that they meet Green Seal, Inc. GS-09 standards.~~
 - ~~a. Companies must submit the same documentation of their own testing results that they would have provided for Green Seal Inc. certification.~~
 - ~~b. Companies must submit the costs for the product.~~
 - ~~c. Products may randomly be tested by an independent laboratory to verify such claims.~~
 - ~~d. Products found not to meet these requirements, will be removed from the list of approved or accepted products.~~

Justification: It is our STRONG recommendation this entire self certification section be eliminated from the guidelines. We STRONGLY encourage the State to adopt Green Seal Inc. as a uniform standard for all environmentally preferable cleaning products. Green Seal Inc. provides a uniform, acceptable standard for *all* companies that provide environmentally preferable products.

4. Green Seal, Inc. GS-01:

Recommended Change: OGS is adopting the Green Seal, Inc. standard (GS-01) for Tissue Paper. (See Section VI for definition of product categories, and Appendix #6 for GS-01)

- Companies meeting GS-01 must submit their Green Seal, Inc. certification documentation along with cost information, from which an approved list will be developed.
- ~~Companies that do not have GS-01 certification, but can prove they meet the standard, must submit a signed affidavit (See Appendix #1) stating that they meet Green Seal, Inc. GS-01 standards.~~
 - ~~a. Companies must submit the same documentation of their own testing results that they would have provided for Green Seal Inc. certification.~~
 - ~~b. Companies must submit the costs for the product.~~
 - ~~c. Products may randomly be tested by an independent laboratory to verify such claims.~~
 - ~~d. Products found not to meet these requirements, will be removed from the list of approved or accepted products.~~

Justification: It is our STRONG recommendation the entire self certification section be eliminated from the guidelines. We STRONGLY encourage the State to adopt Green Seal Inc. as a uniform standard for all environmentally preferable cleaning products. Green Seal Inc. provides a uniform, acceptable standard for *all* companies that provide environmentally preferable products.

5. Vacuum Cleaner Requirements

Recommended Change: OGS is adopting the Carpet and Rug Institute Green Label standard for vacuum cleaners and list products meeting this standard. The standard can be found online at www.carpet-rug.org.

Recommended Change: ADD to this section: HEPA-Vac filtration systems vacuums are preferred.

Justification: The Carpet and Rug Institute web site is a good resource for schools and vendors. HEPA vacuums utilize a “High Efficiency Particle Arresting” (HEPA) filter that is a certified sealed unit that filters out particles. These filtration systems remove particles and irritants most other vacuums do not.

6. Floor Protection Requirements

Recommended Change: ~~At this time, New York State is not adopting the Green Seal, Inc. standard for floor finishes, wax/finish strippers, or spray burnishing gloss restorer liquids (GS 40). Floors constitute the single largest area of cleaning in a school. Floors that require frequent burnishing, and/or powder easily, and/or need to be stripped frequently, can contribute significantly to indoor air pollution from airborne germ-laden particulates or to environmental pollution by unnecessary floor finish stripping effluence. Therefore, it is essential that floors are protected by a quality finish that is both easy to clean and can stand the rigors of day to day traffic.~~

Since health and safety, environmental impact, and labor costs are primary concerns, we remain committed to encouraging the use of floor finishes that can withstand severe abuse ~~without having to be~~ with minimal stripping for 3 or more years and floor strippers that are able to *completely* lift old wax or finish almost instantly. Durability and speed enables custodians to perform the task infrequently with minimal exposure to the perils of slippery and odorous stripping solutions. Because the job of floor stripping and refinishing should be performed when classes are not in session, many potential health risks are reduced to children, school staff and visitors. While substantial work has been done by a variety of manufacturers to develop “green” or environmentally sensitive floor finishes and floor strippers, we do not want to abandon proven accomplishments by requiring the use of products that have not stood the test of time. ~~OGS first wants to see the results of using “green” floor finish/stripper system products over a period of time. Once it has been proven that “green” floor protection products perform equal to or better than the best of what is presently available, OGS can reevaluate these guidelines.~~ OGS will require products to be Green Seal Certified when they have proven themselves in the marketplace.

ADD: Districts are encouraged to minimize the use of carpets in student occupied areas. This will eliminate many fibrous materials and the micro-organisms contained in them.

Recommended Change: ~~Companies wishing to qualify their floor finish products for inclusion on the approved State list must do the following:~~

~~Submit signed OGS certification forms (Appendix #4), from 3 different educational facility customers, who attest to the fact that:~~

- ~~• They have been and continue to use the floor finish in a heavily trafficked area;~~
- ~~• They have been maintaining the floor according to manufacturer’s instruction for 3 years or more in a heavily trafficked area without having to strip the floor finish back to the bare flooring;~~
- ~~• The floor finish retains its shine when burnished as little as once a month.~~
- ~~• AND that the floor finish virtually does not powder when burnished.~~

~~OGS will place products meeting such standards on a list of approved floor finish products along with their cost information.~~

Justification: We STRONGLY recommend against this. These criteria are subjective and lack standardization. Asking a vendor to have three customers attest to the suitability of a product raises serious concern about oversight of the process, conflict of interest, and the overall integrity of the program.

Quality floor finishes must be Green Seal Certified when they have proven themselves in the marketplace.

Until then, we strongly recommend the State establish guidelines using criteria commonly used in the industry today. As a starting point, most major companies define their guidelines on their websites.

7. Other Considerations

Recommendation: In order to promote the use of high performance cleaning products that adequately meet the performance needs of school environments, products approved for the OGS list may be required to undergo additional product efficacy testing after the first year of this program, as determined by OGS. OGS may also address disinfectants and hand sanitizers in further detail at that time.

NOTE: *Testing in future years should utilize established and recognized testing criteria such as ASTM.*

B. These guidelines and specifications apply to the following environmentally sensitive cleaning and

maintenance products:

Recommendation:

- General Purpose Cleaners
- Bathroom Cleaners
- Carpet Cleaners
- Glass, Windows, and Mirror Cleaners
- Vacuum Cleaners
- Hand Soaps
- Custodial Paper Products
- Floor Finishes and Floor Strippers

ADD: Walk Off Mats (Preferably a Multi-Stage System Utilizing Scraper and Fiber Matting)

Justification: Entrance matting is crucial to controlling dust, dirt and grime that is tracked in from the outside, and has a direct impact on maintaining floors and a healthy and safe work environment. One square yard of commercial grade carpeting can accumulate one pound of dirt.

(Signed By: David Brooks (Malone CSD), President & Frederick Koelbel (West Islip UFSD), 1st Vice President, Legislative Committee Chairman)(Submitted By: Kathleen Van De Loo, Executive Director, (NYS SBGA) NYS Association for Superintendents of School Buildings and Grounds, Inc., Albany, NY)

We urge that the Guidelines be revised to remove Section V (Designation of Approved Products) and associated appendices that require Green Seal certification of products. We encourage the Office of General Services to adopt more flexible Guidelines that offer general statements of principle regarding desirable attributes of “environmentally sensitive” products without setting out prescriptive standards that fail to address basic issues of product efficacy and health protection.

(Submitted by Geoff Hall, State and Local Affairs Manager, Northeast Region, American Chemistry Council, Albany, NY on behalf of Stephen Rosario, Executive Director, NYS Chemical Alliance and William F. Carroll, Ph.D, Acting Managing Director, Chlorine Chemistry Council)

--Section V. Designation of Approved Products (pages 10-14)

Page 10, Paragraph B.1 and Paragraph 2: The proposal to adopt Green Seal GS-37 for industrial and institutional cleaners and GS-41 for hand cleaners is inappropriate. These Green Seal criteria have not been through administrative review and public discussion in any government venue. Further, a final GS-41 is not available from Green Seal.

At minimum, New York State should issue Green Seal criteria for public review and comment. In the case of GS-41, no consideration should be given to those criteria until they are available to review and comment on in the New York State deliberations.

Page 10: Regarding companies who do not have Green Seal certification. P&G is pleased that NYS will allow for companies who choose not to certify their products through third party non-governmental certification to self-certify. We propose that ESU broaden its acceptance of self-certification to other systems that embrace credible approaches to making environmental claims. The main reliance should be on the information-based model under which verified claims regarding the environmental characteristics of a product are voluntarily disclosed by the supplier. This market-oriented, environmental information-sharing system, based on the FTC Guides for the Use of Environmental Marketing Claims encourages competition and innovation and empowers purchasers to make informed choices based on competent and reliable scientific information about the environmental effects of products and packaging.

Furthermore, ESU should randomly test all products by an independent laboratory to verify claims and remove them from the approved list if found not to meet ESU requirements. This should not be restricted to products who are not GS certified.

Page 13, item 6: Floor Protection Requirements.

P&G is pleased that NYS is not adopting GS-40 for floor finishes, wax/finish strippers, or spray burnishing

gloss restorer liquids. However, we are concerned that the proposed guidelines requiring signed OGS certification forms from 3 different education facility customers for 3 years is too restrictive. Floor finishes that must meet a 3 year durability standard may become impossible to strip. The finish will be damaged, may have several recoats applied during the three year period and may require more aggressive chemicals to strip. The use of more aggressive chemicals is not consistent with the intent of these guidelines and may increase the potential health risks to the staff responsible for the care of the floors. Furthermore, requiring a set period of time for proven efficacy limits innovation and eliminates the introduction of new to the market products that very well could better meet the intent of these guidelines than those products with a three year history of use.

(Martha R. Macy-Ruhe, Product Safety & Regulatory Affairs, P&G Household Care, The Proctor & Gamble Company, Cincinnati, OH)

--(G) OGS Should Amend the Proposed Provisions for Companies to Substantiate that Their Products Meet Appropriate Environmental Criteria

As currently drafted, the proposed guidelines allow companies that do not have Green Seal certification for a specified cleaning products in the listed cleaning categories to prove (i.e., "make their own case") that they meet Green Seal standards.¹³ While third-party certifications and lists can provide an easy way for a state to implement an environmentally preferable procurement program, these lists should not be the sole basis of procurement decisions. Thus, CSPA has serious concerns that this proposal is inextricably tied to a sole metric-Green Seal. As a matter of fundamental fairness, a reasonable procurement program must allow for more than one method for gaining product acceptance on the approved list of environmentally sensitive cleaning and maintenance products.

¹³ See Appendix #1 and Appendix #2.

CSPA urges the OGS to allow any vendor/company wishing to be added to an approved list of environmentally sensitive cleaning and maintenance products to demonstrate that their product meets certain reasonable criteria. This determination should include those cleaning and maintenance products that a vendor/company can demonstrate meet any one or more of the following requirements:

1. Meet one or a combination of the following third-party certification/validation criteria:
 - a) Demonstrate Green Seal, Inc. GS-37 Certification
 - b) Prove Green Seal (GS-37) standard compliance through the following:
 - i. Submit a signed document (see Appendix #1) stating that they meet Green Seal Inc. GS-37 standards.
 - ii. Submit the actual efficacy test from a certified lab stating that they used the same ASTM testing standards and soils as the Green Seal efficacy tests.
 - iii. Submit the same documentation of their own testing results that they would have provided for Green Seal Inc. certification.
 - c) Demonstrate EPA Design-for the-Environment recognition
 - d) Demonstrate Canadian Environmental Choice certification or standard compliance
 - e) Prove compliance with the GreenBlue Institute DfE Green Formulation Initiative¹⁴
 - f) Submit other third-party validation of environmentally sensitive characteristics as determined appropriate by the Office of General Services
2. Demonstrate that products are approved for use with cleaning programs that reduce health and environmental impacts to customers and building occupants, including:
 - a) ASTM E1 971 - "Standard Guide on Stewardship for Cleaning of Commercial and Institutional Buildings"
 - b) Others as specified determined by Office of General Services
3. A company may also submit technical data for validation of a product as an environmentally sensitive cleaning and maintenance product. The Office of General Services shall make a determination based upon the weight of the manufacturer's data submitted to substantiate claims of positive environmental

characteristics.

OGS should require vendors/companies to submit the costs for each product (cost per gallon of diluted wash solution per product usage recommendation). These products could randomly be subjected tests by an independent laboratory to verify environmentally sensitive claims (at the vendor/company's expense). In addition, CSPA strongly urges OGS to treat product data submitted under this section as confidential business information in accordance with applicable New York confidentiality practices.

Finally, CSPA believes that the proposal to require the submission of a signed affidavit is not necessary. Rather, a signed document attesting to the truth and accuracy of submitted data should be sufficient to

ensure that OGS receives reliable information.¹⁵

¹⁴ GreenBlue Institute DfE Green Formulation Initiative - www.greenblue.org/activities/dfecg.html

¹⁵ Although a sworn affidavit subject to penalty of perjury would not be required, submittal of the certification form potentially would be subject to felony or misdemeanor prosecution for offering a false instrument for filing, see, e.g., New York Penal Law, §§ 175.30, 175.35 (Robert J. Kiefer, Director, Scientific and International Affairs and Joseph T. Yost, Director, State Affairs, (CSPA), Consumer Specialty Products Assoc., Washington, DC)